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OFFICE OF PETITIONS

In re Application of
BRAND
Application No.: 10/671,620
Filing Date: September 29, 2003
Attorney Docket No.: SPEC05

DECISION ON PETITION
UNDER 37 CFR 1.137(B)

This is a decision on the petition under 37 CFR 1.137(b), filed September 13, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 20, 2005, which set a three month shortened statutory period for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on January 21, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment and remarks; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to non-final Office action mailed October 20, 2005 is accepted as having been unintentionally delayed.

With further regard to the statement in the petition that "the failure to reply to Office Action mailed October 20, 2005, was unintentional", this statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

This application is being referred to Technology Center AU 2111 for appropriate action on the reply in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3303.

A handwritten signature in cursive script that reads "Bryan Lin".

Bryan Lin
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy